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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,626	10/11/2001	Robert E. Haines	10007582-1	1665

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,626	<b>Applicant(s)</b> HAINES ET AL.	
	<b>Examiner</b> Kelvin Lin	<b>Art Unit</b> 2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-16, 18-23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16, 18-23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks from page 9 to 15, filed on June 2, 2006, with respect to the rejection(s) of claim(s) 1-35 under 35 USC 103(a) as the combination of Moshir in view of Okimoto have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of O'Toole et al., (USPN No. 6345294).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 10-16, 18-23, 25-35 are rejected under 35 U.S.C 103(a) as being unpatentable over Moshir et al., (US PG PUB No. 20020100036) in view of O'Toole et al., (USPN No. 6345294).

2. Regarding claim 1, Moshir teaches a method of configuring a hard copy output engine comprising:

- receiving an electronic message including hard copy output engine configuration data from an undesignated website through a firewall, (Moshir, [0021]-[0022], [0031], I.1-8, [0081], I.1-12, [0124], I.1-2, I.6-17, in which the printer connect to the computer and give a recipe, also the configuration including the hardware and software corresponds to the message including the output hardware configuration from any website through a firewall),

Although Moshir at the above mentioned prior art teaches the message including the hardware configuration data, Moshir fails to teach configuring the hard copy engine using the configuration data.

However, O'Toole teaches the wherein the electronic message transmitted through the firewall designates a hardcopy output engine to be configured; and (O'Toole, col.7, I.16-28, in which the SODA is embedded to the printer, see col.2, I.40-44, and the SODA remote configuration capability sends electronic message, RPC, allows the printer to obtain the information through firewall, see col.25, I.5-7)

- configuring the hard copy output engine using the configuration data (O'Toole, col.20, I.25-29, col.22, I.58-67, col.23, I.).

Because knowing that SODA provides the self organizing distributed appliances system, it would have been obvious to incorporate O'Toole's system with Moshir's patching and updating system to improve the efficiency

whenever the system failure is occurred. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

3. Regarding claim 2, O'Toole further discloses the method of claim 1, wherein receiving the electronic message comprises receiving an email at the hard copy output engine and wherein configuring comprises configuring the hard copy output engine via an embedded web server contained in the hard copy output engine using the configuration data (O'Toole, col.10, l.14-26, l. 33-38, col. 11, l.1-7 ).
4. Regarding claim 3, Okimoto further discloses the method of claim 1, wherein receiving the electronic message comprises receiving an email (O'Toole, col.10, l.33-38).
5. Regarding claim 3, Moshir further discloses the method of claim 1, wherein receiving the electronic message comprises receiving an email.  
(Moshir, [0021], l. 3-4, l.11-15).
6. Regarding claim 4, Moshir further discloses the method of claim 1, wherein receiving the electronic message comprises:
  - receiving an email through the firewall at a first user station (Moshir, [0052], l.3-5); and
  - forwarding the email to the hard copy output engine (Moshir , [0052], l.12-14).
7. Regarding claim 5, Moshir further discloses the method of claim 1, wherein receiving the electronic message comprises receiving an XML script and

configuring includes setting a threshold for an element chosen from a group consisting of: pigmentation material, marking material, number of hours of operation and number of sheets of print media consumed (Moshir, [0086] I.8-12, inventories means many things like others such as, toner, marking material, hours of operation, and no. of sheets, and something used by statistics [like [0081], I.10, [0087], I.7.)

8. Regarding claim 6, Moshir further discloses the method of claim 1, wherein the hard copy output engine is chosen from a group consisting of: facsimile machines, photocopiers and printers (Moshir, [0049], I.1-3).
9. Regarding claim 7, Moshir further discloses the method of claim 1, wherein the configuration data include data prepared by: determining a make and model for the hard copy output engine; determining a serial number for the hard copy output engine; and determining user thresholds for consumables associated with the hard copy output engine (Moshir, [0024], I. 1-6).
10. Regarding claim 8, O'Toole further discloses an apparatus comprising:

A device configured to provide a computer instruction signal embodied in a carrier wave carrying instructions (O'Toole, col.4, I.30-51) that when executed by a processor cause the processor to: receive an electronic message including hard copy output engine configuration data from an undesignated website through a firewall (O'Toole, col.6, I.39-50, col. 7, I.16-25, fig. 3); and

Configure the hard copy output engine using the configuration data, wherein the computer instruction signal embodied in the carrier wave carrying

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instruction that cause the processor to receive an electric message includes a computer instruction signal embodied in the carrier wave carrying instruction (O'Toole, col. 7, l.16-25) that cause the processor to receive an email at the hard copy output engine (O'Toole, col. 10, l.33-38), and wherein the computer instruction signal embodied in the carrier wave carrying instructions that cause the processor to configure comprises a computer instruction signal embodied in the carrier wave carrying instruction that cause the processor to configure the hard copy output engine via an embedded web server contained in the hard copy output engine using the configuration data (O'Toole, col.15, l.1-10) .

11. Regarding claims 10-13 claiming for apparatus have limitations corresponding to claims 1-6. Therefore, Claims 10-13 are rejected for the same reasons set forth in the rejection of claims 1-6.
12. Regarding claims 14-16, 18-20 claiming for the system have limitations corresponding to apparatus claims 8, and 10-13. Therefore, Claims 14-16, 18-20 are rejected for the same reasons set forth in the rejection of claims 8, and 10-13
13. Regarding claims 21-23, 25-26 claiming for computer usable medium have similar limitations as claims 8, and 10-13. Therefore, Claims 21-23, 25-26 are rejected for the same reasons set forth in the rejection of claims 8, and 10-13.
14. Regarding claims 27-35 claiming for the firewall have limitations corresponding to claims 8, and 10-13. Therefore, Claims 27-35 are rejected for the same reasons set forth in the rejection of claims 8, and 10-13.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MEPE 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first replay is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTH** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/15/06  
KYL



ANDREW CALDWELL  
SENIOR PATENT EXAMINER